

EXHIBIT A

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

SUPERIOR COURT – NORTH
Docket No. 216-2022-CV-00672

Petitioner: Joshua A. Davis, Trustee
Edward G. Johanan Revocable Trust
116 Forest Street
Manchester, NH 03102

v.

Respondent: PennyMac Loan Services, LLC
3043 Townsgate Road, Suite 200
Westlake Village, CA 91361

**PETITION FOR PRELIMINARY AND PERMANENT INJUNCTION
AND FOR AN EX PARTE TEMPORARY RESTRAINING ORDER**

NOW COMES Joshua A. Davis, Trustee of the Edward G. Johanan Revocable Trust ("**Petitioner**"), by and through counsel, Mesmer & Deleault, PLLC and Frank B. Mesmer, Jr., Esq., and complains against PennyMac Loan Services, LLC ("**Respondent**") to seek preliminary and permanent injunctions against Respondent's conduct adverse to the rights and interests of the Petitioner, including immediate *ex parte* relief by way of a Temporary Restraining Order, as follows:

JURISDICTION AND VENUE

1. Petitioner owns real estate located at 644 Auburn Street, Manchester, NH.
2. Respondent claims to hold an assignment of mortgage on property located at 644 Auburn Street, Manchester, NH.
3. Respondent intends to hold a foreclosure sale at 644 Auburn Street, Manchester, NH.
4. Jurisdiction and venue therefore lie in Hillsborough County under RSA 491:7 and 498:1.

FACTS

1. Edward G. Johanan purchased property located at 644 Auburn Street by deed dated August 4, 2017 and recorded in the Hillsborough County Registry of Deeds at Book 8994, Page 22599.
2. In furtherance of the purchase, Mr. Johanan obtained a mortgage from LendUSA, LLC dba Regency Mortgage on August 4, 2017, which was recorded in the Hillsborough County Registry of Deeds at Book 8994, Page 2601.
3. On February 15, 2018, Mr. Johanan transferred his property into the Edward G. Johanan Revocable Trust by Warranty Deed recorded in the Hillsborough Country Registry of Deeds at Book 9050, Page 0952.
4. Mr. Johanan died on March 7, 2022.
5. The Trust identifies the Successor Trustee and Beneficiary of the Trust as Joshua A. Davis.
6. In June, when Mr. Davis was notified of Mr. Johanan's passing and his role as trustee and beneficiary, Mr. Davis went to 644 Auburn Street to look for bills needing payment.
7. Mr. Davis discovered that multiple people were living in the home.
8. Since then, Mr. Davis has been working with counsel to evict the multiple squatters at the house.
9. Upon information and belief, there are 5 individuals living in the home.

10. The occupants of the house do not have permission to be there and did not respond when a notice of trespass was mailed on July 5, 2022, or when an eviction notice was delivered on August 9, 2022.
11. On September 22, 2022, Mr. Davis filed a landlord and tenant writ in Manchester District Court to evict the squatters.
12. He intends to sell the house and pay all outstanding bills of Mr. Johanan, in furtherance of his duties as trustee.
13. During this time, Respondent published a Notice of Sale of Real Property in the Union Leader on September 16, stating that the property will be sold at foreclosure auction on October 26, 2022.
14. Counsel for Petitioner saw the foreclosure notice and reached out to counsel for Respondent, giving notice of Mr. Johanan's death and explaining the trust and squatter issues.
15. Instead of holding off on the foreclosure, Respondent changed the foreclosure date to November 8, 2022.
16. Mr. Johanan passed away in March and has been unable to pay his bills.
17. Mr. Davis has been unable to obtain the bills for the property because it is occupied by others who, upon information and belief, have drug and alcohol problems and criminal records.
18. Non-payment of the mortgage is no fault of Mr. Johanan or Mr. Davis.
19. Mr. Davis is eager to settle payment of Mr. Johanan's bills outside of foreclosure once the squatters are removed.

RELIEF REQUESTED

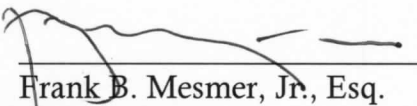
Petitioner respectfully pray this Honorable Court in the exercise of its equitable powers for the following Preliminary and Permanent relief:

- A. Issue a Temporary Restraining Order consistent with the attached proposed TRO.
- B. Issue Orders of Notice for an immediate hearing.
- C. Enter an Order substantially consistent with the Proposed Order on Preliminary and Permanent Injunctions attached hereto.
- D. Enjoin Respondent from foreclosing on 644 Auburn Street.


Respectfully submitted,

Joshua A. Davis, Trustee
By his attorneys,
MESMER & DELEAULT, PLLC

Date: 10.3.22


Frank B. Mesmer, Jr., Esq.
41 Brook Street
Manchester, NH 03104
(603) 668-1971

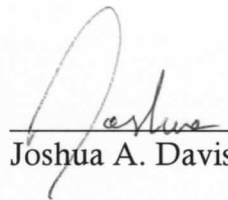
The request for an ex parte TRO is denied.
The Court will hold a preliminary injunction hearing
with notice to the defendant before the November 8, 2022
foreclosure sale.


Honorable N. William Delker
October 4, 2022

Clerk's Notice of Decision
Document Sent to Parties
on 10/04/2022

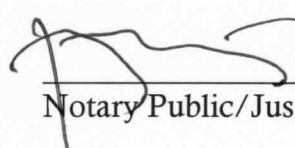
VERIFICATION

I hereby certify that I have read the paragraphs contained within the foregoing Petition for Injunctive Relief and that the factual allegations appearing therein are true to the best of my knowledge and belief.


Joshua A. Davis

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS

Personally appeared before me the above-named Joshua A. Davis and gave oath that the above facts are true and correct to the best of his knowledge and belief.


Notary Public/Justice of the Peace

